

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDER STERN,

No. C-12-5052 EMC

Plaintiff,

v.

**ORDER GRANTING PLAINTIFF'S  
MOTION TO DISMISS WITHOUT  
PREJUDICE**

LAW SCHOOL ADMISSION COUNCIL,  
INC.,

**(Docket No. 23)**

Defendant.


Plaintiff Alexander Stern has filed a motion to voluntarily dismiss this action without prejudice pursuant to Fed. R. Civ. P. 41(a)(2). *See* Docket No 23. After an opposing party has filed its answer, as Defendant Law School Admission Council ("LSAC") has done in this case, *see* Docket No. 4, an action may be dismissed under Rule 41(a)(2) "at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). "Rule 41(a)(2) permits a plaintiff, with the approval of the court, to dismiss an action without prejudice at any time." *Stevedoring Services of Am. v. Armilla Int'l B.V.*, 889 F.2d 919, 921 (9th Cir. 1989). "A district court should grant a motion for voluntary dismissal under Rule 41(a)(2) unless a defendant can show that it will suffer some plain legal prejudice as a result." *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001) (citations omitted). LSAC responded to Plaintiff's motion by filing a statement of non-opposition. *See* Docket No. 24. Defendant neither claims that it would suffer prejudice were Plaintiff's motion to be granted, nor does it request the Court to attach any conditions to the dismissal. Because this action is still in its infancy, and because no prejudice will result, the Court

1 hereby **GRANTS** Plaintiff's motion, and **DISMISSES** this case without prejudice. Plaintiff's  
2 Motion for Partial Judgment on the Pleadings (Docket No. 16) is **DENIED** as moot. The Clerk is  
3 directed to close the file in this matter.

4 This order disposes of Docket Nos. 16 and 23.

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6 IT IS SO ORDERED.

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8 Dated: March 7, 2013

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11 EDWARD M. CHEN  
12 United States District Judge  
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